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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,128	08/10/2001	Mark A. Carlson	P6202	6459
45774	7590	03/22/2005	EXAMINER	
KUDIRKA & JOBSE, LLP ONE STATE STREET, SUITE 800 BOSTON, MA 02109			EDELMAN, BRADLEY E	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 03/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/928,128

Applicant(s)

CARLSON ET AL.

Examiner

Bradley Edelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-60 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/10/02, 4/16/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is a first Office action on the merits of this application. Claims 1-60 are presented for examination.

#### ***Specification***

1. The disclosure is objected to because of the following informalities: the status of the related patent applications needs to be updated in the specification.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 4, 8, 23, 24, 43, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In considering claim 3, line 3 of the claim recites "the storage space" and "the host" and lines 8-9 recite "the requested logical volume used by the host."

All of these terms lack sufficient antecedent basis, as neither a host nor a requested logical volume is mentioned elsewhere in the preceding claim language.

Claim 4 depends from claim 3, and is thus rejected for the same reasons.

In considering claim 8, the term "the system" in line 1 lacks sufficient antecedent basis.

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Claims 23 and 43 contain the same deficiencies as claim 3, and are thus rejected for the same reasons.

In considering claim 24, the term "the host" on line 2 of the claim lacks sufficient antecedent basis, and is thus unclear.

Claim 44 depends from claim 43, and is thus rejected for the same reasons.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5-10, 18-22, 25-30, 38-42, 45-50, and 58-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolf et al. (U.S. Patent Publication No. 2002/0178380, hereinafter "Wolf").

In considering claim 1, Wolf discloses a method for managing multiple resources in a system, comprising;

receiving a user request to generate a configuration policy (§§89-¶96, "the policy engine 60 determines which policies to use to generate the configuration, based upon the target level selected by the user");

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receiving user selection of a set of the multiple resources (§§91, Fig. 8, “configurations are to be generated only for those configuration elements, e.g., devices, cards, interfaces, lines or POPs, specified by the instance rule”);

determining at least one element (“attribute”) for each selected resource in the set, wherein each element is capable of managing one of the resources in the system (§§115-§124, “configlet properties represent the supported attributes that you can specify for a protocol or service in a configuration”);

receiving user selection of one element for each selected resource in the set (§§115-§117, Fig. 13); and

defining the configuration policy to include the user selected elements, wherein invoking the configuration policy further invokes each element defined in the configuration policy to configure the resources associated with the invoked elements (same cited sections as above).

In considering claim 2, Wolf further discloses displaying a first user interface enabling the user to select the set of the multiple resources to include in the configuration policy (Fig. 8);

and displaying a second user interface enabling the user to select the one element for each resource in the set (Fig. 13).

In considering claim 5, Wolf further discloses that each of multiple elements provided for one resource define a different configuration of the

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resource (Fig. 13, window 212, "accesscontrol," "commonipsettings," "connectivity,").

In considering claim 6, Wolf further discloses that determining the at least one element for each resource comprises: using interfaces in a lookup service proxy object to query element proxy objects to determine a name for each of the element proxy objects (§ 115, Fig. 8, Fig. 13, wherein a user uses the interface in fig. 8, and clicks on the "List policies" button to access a lookup service that finds and displays the names of the properties listed in window 212).

In considering claim 7, Wolf further discloses displaying at least one selectable list of the names of each of the element proxy objects for each resource, wherein the user selects one element for each resource from the selectable lists (Fig. 13, list 212).

In considering claim 8, Wolf discloses a method for configuring multiple resources in the system, comprising:

receiving user selection of one of multiple configuration policies, wherein each configuration policy defines resources to configure and one element for each resource to configure, wherein each element specifies configuration parameters to use to configure the resource; receiving user selection of an instance of one resource to configure, wherein the user selected resource instance is capable of being configured by the configuration policy;

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determining additional resource instances that are configured by the selected configuration policy; and calling the elements defined for the selected configuration policy to configure the user selected resource instance and the determined additional resource instances according to the element configuration parameters (¶ 89-96; ¶ 115-124; Fig. 8, Fig. 13, as described above).

In considering claim 9, Wolf further discloses displaying a first interface listing the multiple configuration policies, wherein the user selects one configuration policy from the list (Fig. 8); and displaying at a second interface enabling the user to select the instance of the resource to configure (Fig. 13).

In considering claim 10, Wolf further discloses querying information indicating the resource instances available for the configuration, wherein the information indicates the connectedness of the resource instances, wherein the determined additional resource instances are connected (Fig. 13, "connectivity").

In considering claim 18, Wolf further discloses that each of multiple elements provided for one resource define a different configuration of the resource (Fig. 13, window 212, "accesscontrol," "commonipsettings," "connectivity,").

In considering claim 19, Wolf further discloses querying configuration policy proxy objects in a lookup service to determine configuration policies;

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displaying a user interface listing the determined configuration policies, wherein the user selects one of the configuration policies from the list (Fig. 8);

downloading the configuration policy proxy object for the selected configuration policy from the lookup service; and using an interface in the downloaded configuration policy proxy object to call the elements for each resource to configure the user selected and additional resource instances according to the element configuration (Fig. 13).

In considering claim 20, Wolf further discloses that determining the additional instances of the resource further comprises: querying attributes associated with a proxy object in a lookup service for the user selected configuration policy to determine resource instances capable of being configured by the selected configuration policy (Fig. 8, wherein the querying occurs in order to display the devices shown and selected in the figure).

Claims 21, 22, 25-30, and 38-40 are parallel system claims to claims 1, 2, 5-10, and 18-20, and are thus rejected for the same reasons.

Claims 41, 42, 45-50, and 58-60 are parallel article of manufacture claims to claims 1, 2, 5-10, and 18-20, and are thus rejected for the same reasons.



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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 11-17, 23, 24, 31-37, 43, 44, and 51-57 rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf, in view of DeKoning (U.S. Patent No. 6,671,776).

In considering claims 3, 4, and 11-17 and their parallel system and article of manufacture claims (23, 24, 31-37 and 43, 44, 51-57), these claims all describe specific devices and system configurations that are configured by the configuration policies (for instance, a host adaptor, a switch, and storage devices). Although Wolf does not disclose all of these specific network devices and elements, there is no reason why Wolf's system cannot be expanded to include any or all desired network devices and elements. Wolf contemplates this in ¶33, which states, "[t]he present invention is built on a highly scalable architecture that can accommodate the continued explosive growth of the Internet. It scales to support networks with thousands of devices, automated operations and large number of users. It automates routine operations and supports multiple vendors, devices and image versions."

Thus, it would have been obvious to include any known network devices or elements in the configuration system taught by Wolf, so that all sorts of

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devices, vendors, and ISPs can benefit from Wolf's automated configuration system in the expanding Internet. As described below, and as further evidenced by DeKoning, all of the elements claimed in claims 3, 4, and 11-17 are known elements in the Internet, and are commonly configured by network management systems. Therefore, it would have been obvious to include those known elements in the Wolf system.

In considering claims 3 and 4, Wolf discloses that the resources include a switch ("switch") and a host adaptor ("interfaces," "web hosting servers") and configuring/allocating paths between the devices (Fig. 13, "connectivity"). DeKoning further discloses a network configuration system that allows a manager to set configurations related to storage devices on a storage area network, including host adaptors, storage devices, volume managers, and configuring logical volume and allocated storage space (see Figs. 1, 8; col. 8, line 30 – col. 9, line 14).

Claims 13-14 describe the same devices and configurations as claim 3.

In considering claim 15, claim 15 additionally describes querying information regarding devices that can be configured according to topology of the host adaptor and storage device instances. DeKoning further discloses monitoring and configuring the system according to its topology (col. 8, lines 40-60, "the administrator selects the topology submenu then a screen is displayed from which the administrator can configure the topology of the network").

Claims 16-17 describe the same devices and configurations as claim 3.

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Thus, claims 3, 4, 11-17, 23, 24, 31-37, 43, 44, and 51-57 are rejected as being obvious over the combined teachings of Wolf and DeKoning.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is 571-272-3953. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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March 15, 2005